

REMARKS

Upon entry of this amendment, Claims 1, 11-19, 39-46 and 49 are pending in the application. Claims 2-9, 20-25, 27-31, 33-38, 47-48, and 50-53 have been withdrawn. Claim 10 has been canceled. Claims 1, 39, 45 and 49 have been amended to more particularly describe Applicants' invention. New claim 54 has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 35, 45 and 49 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Claims 1, 35, 45 and 49 have each been amended to indicate that determining the probability of the potential collision comprises increasing or decreasing the probability using user data and environmental data. This change is clearly supported in the Specification at, for example, Paragraphs 48 and 51. Amended Claims 1, 35, 45 and 49 now particularly point out and distinctly claim the subject matter, particularly by indicating that user data and environmental data are used to increase or decrease the probability of collision. Therefore, the rejection of Claims 1, 35, 45 and 49 under 35 U.S.C. §112, second paragraph, has been obviated, and Applicants respectfully request that it be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 11-19, 26, 32, 39-46 and 49 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Koike (US Pat. Pub. No. 2003/00006889) in view of Ochi et al. (US Pat. No. 5,913,910). Koike does not teach or suggest that determining the probability of the potential collision comprises increasing or decreasing the probability using user data and environmental

data. Koike contains no teaching or suggestion, *inter alia*, of using environmental data to increase or decrease the probability of collision. Further, neither Ochi et al. nor Phnumphai et al. that the Examiner has made of record supply that which is lacking with respect to the teaching of Koike. Therefore, the rejection of Claims 1, 11-19, 26, 32, 39-46 and 49 under 35 U.S.C. §103(a) as being unpatentable over Koike in view of Ochi et al. is traversed, and Applicant's respectfully request that it be withdrawn.

NEW CLAIMS

New claim 54 has been added. Claim 54 is distinguished from the art cited herein at least because Koike contains no teaching or suggestion, *inter alia*, of using environmental data to increase or decrease the probability of collision. Further, neither Ochi et al. nor Phnumphai et al. that the Examiner has made of record supply that which is lacking with respect to the teaching of Koike. Therefore, Claim 54 is believed to be allowable, and early notification to this effect is respectfully requested.

CONCLUSION

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 07-0960.

Respectfully submitted,

CANTOR COLBURN PLLC

By: /Edmund P. Anderson. /

Edmund P. Anderson

Reg. No. 34,764

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20 Church Street, 22nd Floor
Hartford, CT 06103
Telephone: (248) 524-2300
Fax: (248) 524-2700